

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL L. LOWERY,)
)
Plaintiff,)
)
vs.) Case No. 4:06CV00047 AGF
)
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's motion to reverse and remand this Social Security disability case pursuant to sentence four of 42 U.S.C. § 405(g).¹ Following a hearing on Plaintiff's application for disability benefits, an Administrative Law Judge (ALJ) found that Plaintiff was not disabled. The decision of the ALJ became the final decision of the Commissioner of Social Security, and Plaintiff sought judicial review of the adverse ruling.

The Commissioner now states that agency counsel asked the Appeals Council of the Social Security Administration to reconsider the Commissioner's decision, and that upon review, the Appeals Council determined that remand was appropriate for further consideration of Plaintiff's claims. The Commissioner asserts that upon remand by the Court, the Appeals Counsel will remand the case to the ALJ with directions to provide a rationale for the weight given to a certain physician's opinion, and the reasons, if any, for rejecting it; and to obtain testimony from a vocational expert. Plaintiff's counsel has represented to the Court that Plaintiff has no objection

¹ The parties have consented to the exercise of authority by the undersigned United States Magistrate Judge under 28 U.S.C. § 636(c).

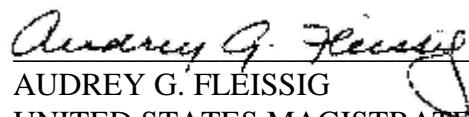
to the Commissioner's motion to remand.

Sentence four of 42 U.S.C. § 405(g) provides that upon judicial review, "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Court concludes that the Commissioner's motion should be granted in this case.

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to reverse and remand the case is **GRANTED**. [Doc. #11]

A Judgment shall accompany this Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 22nd day of May, 2006.